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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,776	11/15/2001	Esa Turtiainen	032986-019	4500

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EXAMINER

GELAGAY, SHEWAYE

ART UNIT PAPER NUMBER

2133

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/003,776

Applicant(s)

TURTIAINEN ET AL.

Examiner

Shewaye Gelagay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/15/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-7 have been examined.

Specification

2. The abstract of the disclosure is objected to because Figure 1 should be removed from the abstract page. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 3 and 4 recites the limitation "said peer nodes" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application

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filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 3-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Mamros et al. (hereinafter Mamros) United States Letter Patent Number 6,360,269.

As per claim 1:

Mamros teach a method of sending streamed data over an IP network from a first node to a second node, the method comprising:

using Internet Key Exchange (IKE) to establish an IKE security association (SA) between the first and second nodes; (Col. 6, lines 9-13)

using the IKE SA to establish an IPSec SA between the first and second nodes; (Col. 5, lines 63-67; Col. 6, lines 1-5 and lines 14-22; *IKE is interpreted as ISAKMP. The interpretation is giving based on the description given on the disclosure. Page 6*)

encrypting the streamed data at the first node with a cipher using a shared secret forming part of said IPSec SA; (Col. 6, lines 2-3)

constructing IP datagrams containing in their payload segments of the encrypted streamed data, the datagrams not including an IPSec header or headers; (Col. 5, lines 51-67 and Col. 6, lines 1-7) and

sending the IP datagrams from the first node to the second node. (Col. 2, lines 44-45; Col. 3, lines 15-30 and lines 45-47)

As per claim 3:

Mamros teach all the subject matter as discussed above. In addition, Mamros further discloses a method wherein said peer nodes are end points for the data. (Col. 3,

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lines 27-29)

As per claim 4:

Mamros teach all the subject matter as discussed above. In addition, Mamros further discloses a method wherein said peer nodes tunnel data between respective end points. (Figure 2; Col. 3, lines 27-29)

As per claim 5:

Mamros teaches an apparatus for sending streamed data over an IP network to a peer node, the apparatus comprising:

processing means and memory containing software instructions for implementing IPsec protocols; (Fig 3, items 303, 305; Col. 6, lines 9-13)

an application for delivering streamed data; (Col. 2, lines 44-45; Col. 3, lines 15-30 and lines 45-47)

means for employing components of said processing means and memory containing software instructions for using Internet Key Exchange (IKE) to establish an IKE security association (SA) between the first and second nodes; (Col. 5, lines 63-67; Col. 6, lines 1-5 and lines 14-22)

means for using the IKE SA to establish an IPsec SA between the first and second nodes, the IKE SA comprising a shared secret; (Col. 5, lines 63-67; Col. 6, lines 1-5 and lines 14-22)

means for encrypting the streamed data with a cipher using the shared secret; (Col. 6, lines 2-3)

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means for constructing IP datagrams containing in their payload segments of the encrypted streamed data, the datagrams not including an IPSec header or headers; (Col. 5, lines 51-67 and Col. 6, lines 1-7) and

transmission means for sending the IP datagrams from the first node to the second node. (Col. 2, lines 44-45; Col. 3, lines 15-30 and lines 45-47)

As per claim 6:

Mamros teach all the subject matter as discussed above. In addition, Mamros further discloses an apparatus, the apparatus being an end user terminal such as a telephone, communicator, PDA or palmtop computer, or a personal computer (PC). (Figure 2; Col. 3, line 15)

As per claim 7:

Mamros teach all the subject matter as discussed above. In addition, Mamros further discloses an apparatus, the apparatus being a firewall or gateway coupled to an end point which is the source of the streamed data. (Figure 2; Col. 3, line 23)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mamros et al. (hereinafter Mamros) United States Letter Patent Number 6,360,269 further in view of Rao et al. (hereinafter Rao) United States Letter Patent Number 6,757,823.

As per claim 2:

Mamros teach all the subject matter as discussed above. Mamros does not explicitly disclose a method wherein said streamed data is VoIP data or videoconferencing data.

Rao in analogous art, however, discloses a method wherein said streamed data is VoIP data or videoconferencing data. (Col. 4, lines 12-18)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the device disclosed by Mamros to include a method wherein said streamed data is VoIP data or videoconferencing data. This modification would have been obvious because a person having ordinary skill in the art

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would have been motivated to do so, as suggested by, Rao (Col. 1, lines 7-9) in order to provide enhanced security for Internet telephony calls and secure connection for VoIP.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shewaye Gelagay whose telephone number is 571-272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 571-272-3819. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shewaye Gelagay
Examiner
Art Unit 2133

SG

04/29/05



GUY LAMARRE
PRIMARY EXAMINER